

HARP ESTATES SITE PLAN (01-41)

Mr. Ross Winglovitz, P.E. and Mr. Larry Wolinsky, Esq. appeared before the Board for this proposal.

MR. PETRO: 130 multi-family residential development.

MR. WINGLOVITZ: Good evening. I'm Ross Winglovitz from Tectonic Engineering. I'm here this evening on behalf of MGD Enterprises regarding the property on Route 300 just north of Old Temple Hill Road and the railroad crossing bounded to the west by large wetlands that runs all the way up and bounded by the east by the existing consolidated railroad bed. What we're looking to do here is develop a site in accordance with the permitted uses in the ordinance for multi-family use. We're proposing 130 town-house style units on the property with a pool and a clubhouse at the main entrance.

MR. PETRO: These are condos, not apartments; correct?

MR. WINGLOVITZ: Correct. We're proposing two potential entrances to the site. The main entrance being further north with the clubhouse and pool. A secondary entrance about 500 feet or so north of the railroad crossing approximately where the stream crosses from the wetland to the west through our property. Currently, water and sewer is in the road directly outside the property, and the sewer main actually crosses the property at the southern tip of the property. The property is not, however, in the water and sewer district, and we will be making applications to the town board for district extensions. It does show on the water district map that part of the property appears to be in the district but not all the property. It actually shows part of it being in the district, but we will proceed to the town board to clarify that and for the sewer district extension. We are in contact to purchase the capacity that is available from Majestic Cleaning for the purposes of sewer.

MR. PETRO: Let me break your train of thought a little bit because I need to do some things, too, as we're going through. I want to touch base on this easement because that's a little pet thing with me. We have such a traffic problem all over the place. I've been trying to get the town for some time to open up the easement here and actually connect the Forge Hill Road.

But it's not being shown on the map, is it?

MR. WINGLOVITZ: Yeah. This right here is what was on the original three lot subdivision map is shown as a 53 foot easement to be dedicated.

MR. PETRO: I thought it was down further.

MR. WINGLOVITZ: You see Old Forge Hill Road here? It's an extension of that. And the road goes through here and there's just a bunch of old stone walls that run along it which is the original location of Old Forge Hill Road. To the south there is like a, basically, access road which was installed when they put in the sewer main I assume. There is a large opening looks like and it was an old road, but its the sewer.

MR. PETRO: Show me where 207 is on this map so you can stop straining my mind here.

MR. WINGLOVITZ: Way up here. So here's Old Temple Hill near the sewer. Here's the railroad crossing, the gaited crossing.

MR. KARNAVEZOS: It's up on that little knoll.

MR. PETRO: I know the property. I'm just trying to get my bearings. I see. This is the easement on this side.

MR. WINGLOVITZ: This is Old Forge Hill Road coming up. That's for the three lot subdivision. There was a right-of-way offered to the town. We're doing the tittle work just to see what happened with that.

MR. PETRO: That's my question. Why do you have stuff through this right-of-way?

MR. WINGLOVITZ: We weren't sure if it was actually given to the town, and if it indeed it was offered, does the town want it. If the town obviously does want it, we would reconfigure to move these buildings off.

MR. PETRO: I can tell you for a fact, you don't have to question it any further, the town absolutely wants it. I would go to any extreme to keep that.

MR. WINGLOVITZ: It's not an issue for us.

MR. PETRO: In the last 40 years there's not one new road anywhere around here except in a development. And someday I would like to see that built. And secondly, I think you have a density problem anyway; am I right, Mark? So if you have to remove a few, that would be a good spot to start. I guess the calculations weren't clear on how you came up with the number of units, your density.

MR. EDSALL: There's just the question on area and also the fact that the town's definition of lot area does have in subtractions, so they would need to use the net area as the lot's area for the basis of the calculation.

MR. WINGLOVITZ: Correct. You know, obviously, this is the sketch plan stage. We have not done a full boundary topography survey. Once we do that, we'll deduct the exclusionary areas, the easements, the slopes and so forth, to bring us down to the net area.

MR. EDSALL: Ross, which number is right? The bulk table says it's 14.77 acres, and the calculation says it's 20 --

MR. WINGLOVITZ: It is 20.92.

MR. EDSALL: What's the discrepancy?

MR. WINGLOVITZ: I don't know what the discrepancy is. It may have been that somebody stuck up here just that one lot. I think that's what it is. When we first got the project, we weren't clear what lots were involved. And this is when we first did the layout on it, so I think these two weren't included in that number. So it is the 20.92 acres.

MR. PETRO: It will rise up to combine all three lots too?

MR. WINGLOVITZ: Yes.

MR. PETRO: You would do that in conjunction with the site plan?

MR. WINGLOVITZ: Yes. Combination of lots; yes.

MR. PETRO: Just by removing lot lines, right? Is that how you're going to do it?

MR. WINGLOVITZ: Yes. We would have no problem actually providing, actually use that right-of-way as a part of our road and leave it open for the future extension through Old Forge Hill.

MR. PETRO: It's not going to make a huge impact.

MR. WINGLOVITZ: We can work with that. We discussed that as an option.

MR. PETRO: How can it be so unclear who's the titled owner of that?

MR. WINGLOVITZ: Well, title work is being done right now. It's very early in the process for us. The original subdivision map shows it to be offered. Whatever happened, was it actually deeded?

MR. WOLINSKY: I have title working on it now. So as soon as I get it, I should be able to clarify that. By the time we come in again, we should have that information.

MR. WINGLOVITZ: Larry Wolinsky from Jacobowitz & Gubits.

MR. PETRO: There was a landlocked parcel, too, is that the triangle piece?

MR. WINGLOVITZ: Yeah. We're really here to solicit some preliminary comments here.

MR. PETRO: Well, you can take Mark's comments too, but I just have a few comments. The sewer capacity for this?

MR. EDSALL: I think, Mr. Chairman, the entire ability of this application to move forward rests on the reaction they get from the town board as to district extensions. So, although you could begin the SEQRA process, and I believe Andy might let me know for sure, I think we're obligated to start now since we have an application --

MR. KRIEGER: Since we have an application.

MR. EDSALL: -- but until we know what the town board's going to tell me, we really can't do too much. And without sewer and water, I don't know that in this zone it would be permitted to even consider this.

MR. PETRO: Well, we'll assume for the next ten minutes that they're going to get sewer and water and we'll look at it as a planning board.

MR. ARGENIO: The third lot is the road; is that right?

MR. WINGLOVITZ: No, it's actually, one, two, three. The small triangle up front; large triangle in the back, and the largest one to the south. The road actually bisects it.

MR. EDSALL: Jim, as Mike and I were trying to recall the manner in which this was processed in the past, I believe it was unclear from the records because this was such an old road and it's probably back to the Revolutionary days and the road is actually a line based on stone walls and for the great majority there was not a clear understanding of where the metes and bounds of the road was. And I believe the application actually defined it as part of the application and created the road location so that it would have frontage for this rear lot. So, I think that's the basis for this rear lot existing.

MR. WINGLOVITZ: Yeah. It was actually, they located all the stone walls out there and aligned it based on the stone walls.

MR. PETRO: Well, the triangle lot was on paper road basically.

MR. EDSALL: Yeah, and it wasn't really clear if it touched the old road or not, so they clarified in the recent application.

MR. PETRO: Just to give you a little input for the future, this is in the historic zone. I don't know what phase.

MR. WINGLOVITZ: We did talk to Mark about that that the town historian would be involved.

MR. PETRO: Mr. Marshall.

MR. WINGLOVITZ: Yeah.

MR. PETRO: And we'll get him started with it. And then if we have to go further up the road, we may have something that turns into a little bit more than we had expected. I don't know that it's going to happen on

this lot, but I'm just making you aware of it.

MR. PETRO: Any of the members have anything else they want to add to this conceptually? I think we should get the road straightened out so we know what we're looking at and also get the density straightened out, get a little input from the town board, at least find out if we're heading in the right direction.

MR. WINGLOVITZ: That's our next step is to go to the town board actually.

MR. PETRO: Conceptually it's an R-5 zone. This board like always, if it's a permitted use in the zone, we're going to try to work with you. It just has to work. You have to meet the standards of the law. Okay?

MR. WINGLOVITZ: Understood.

MR. PETRO: Yes.

MR. EDSALL: Do you want me to start the circulation or how do you want to handle SEQRA?

MR. PETRO: I think they should really find out (A) who owns the road going through the property or not and (B) if we're going to even do it with the sewer capacity.

MR. EDSALL: So, we'll wait to hear from the town board first.

MR. PETRO: I think so. The density, we don't know how many buildings we're talking about.

MR. EDSALL: At this time it would just be a circulation for Lead Agency.

MR. PETRO: I guess so. I guess it's okay.

MR. EDSALL: I'll ask for copies and we'll get it out.

MEADOWBROOK ESTATE SUBDIVISION (01-42)

Mr. Ross Winglovitz, P.E. appeared before the Board for this proposal.

MR. PETRO: 183 residential lots for single-family homes represented by Tectonic.

MR. WINGLOVITZ: I'm here again on behalf of MGD Enterprises with an application for a planned unit development on what is the Meadowbrook Lodge, as everybody here knows it as the Meadowbrook Lodge property, off of Route 94 both in the Town of Cornwall and in the Town of New Windsor. We had appeared before the Town of Cornwall last week, just because their meeting was before yours, for the 18 lots, just a

preliminary discussion like we have tonight regarding the 18 lots. This property in the Town of New Windsor is in two zones. It's in the R-1 zone and the R-2 zone. I believe the application requires us to have more than 50 acres. We have almost 130 acres in the Town of New Windsor. What we're proposing to do in the Town of New Windsor is 165 if I take out the 18 single-family lots backing up to the reserve. Probably similar market as the reserve lots that back along the reserve and probably increasing in scale and costs as we go away from the reserve up into the heart of the more open space where we have the nicer lots up on the hill and along the wetland. Access to the site is very important here. What we are planning on doing is providing a new access onto New York State Route 94. We're not going to use the Meadowbrook Road here that is parallel to 94. The westerly access on that road has poor geometry and poor sight distance. The easterly access on that road to 94 has a pretty good sight distance but pretty weird geometry. What we're proposing is a boulevard that would come up from the existing railroad to 94 that would have excellent sight distance in both directions for access to this site directly. And we would bring in the existing Town of Cornwall road and tie that into that about a hundred or so feet back from the intersection so that the existing Cavalari lot and the Meadowbrook Lodge could also use it as well and we hope to work with the DOT to clean up the intersections on the existing town road. The property also has access to the reserve from two points so those homeowners will have the ability to exit through this property relieving traffic on Dean Hill Road and Mt. Airy Road. Water and sewer, again, the same situation as we previously discussed. This is directly adjacent to the water and sewer district and would require both water and sewer district extensions to service the property. In fact, we even have a sewer main running directly through the site for some distance at the rear of the property, along the rear of the reserve. The water is out on Dean Hill Road. We would have to do a water main extension from Dean Hill Road into the property to service the site.

MR. PETRO: I see you're touching or going through some of the wetlands; how are you going to accomplish that?

MR. WINGLOVITZ: With DEC we have to have a 100 foot buffer on that side, so we kept a location outside the 100 buffer for each of the home locations along lots 10 through 24. And, obviously, we have some room to move



that further west if we need to depending on the exact locations. This is preliminary information. So once we know what the exact location of that wetland is, we will be able to adjust that so we're sure that all those lots stay out of the wetlands. The only one we're coming close to here is this Army Corps of Engineers wetlands with the road, and we'll be allowed to do within a tenth of an acre fill and a little bit right there depending on its exact boundary. And the little Army Corps wetlands is probably going to be considered an isolated wetland now. It won't be regulated through Cornwall.

MR. PETRO: Is the Bogard (ph.) Road right on top of the old railroad?

MR. WINGLOVITZ: Yes. Actually, Bogard from 94 down approximately to the railroad and then we would make it down to Stanlertown (ph.) Road.

MR. PETRO: Show me where it would change over off the railroad?

MR. WINGLOVITZ: Right about where the existing town road is. So it's only about a hundred feet.

MR. WINGLOVITZ: I have a sketch if you would like to see a detailed sketch for that intersection if you need more information. It would give us a nice attractive safe entrance right on 94.

MR. PETRO: Mark, with almost 20 lots of this in the Town of Cornwall, do you believe they're going to just say, Okay, fine, be Lead Agency?

MR. EDSALL: Well, we just happen by luck would have it to have the Cornwall's planning board chairwoman here tonight. You might want to see if she has any understand of the preference of Cornwall's board.

MRS. BENNETT: Mr. Petro, we're very interested in this project and we don't want to give any opportunity to contribute to the amount of traffic that's being dumped into our town up to you without any issues being raised. And we'd also like to impress on you that this property is exiting under a mile from the new school intersection.

MR. PETRO: Well, I kind of had that feeling. I figured you're going to have a lot of input, so I can't

imagine getting a letter back from your board saying, Don't worry about, do what you think is best.

MRS. BENNETT: And one of the other issues we see is they're providing open space but no way to get to it. And I've already told them that that won't fly in Cornwall.

MR. PETRO: Now, let me ask you this because it's never come up, what happens if two boards want to be Lead Agency?

MR. EDSALL: Then if there's a disagreement of who will be Lead Agency, I believe the Commissioner of DEC ultimately will make a determination as to who will be Lead Agency. My suggestion would be is that you begin the Lead Agency coordination process, circulate a letter --

MR. PETRO: Informal response.

MR. EDSALL: -- and I would suspect that given the fact that the great majority of the lots are in New Windsor, Cornwall's board may agree that it would be Lead Agency. Although, I would strongly urge some very good cooperation between both the boards and communication because obviously it interests both of you significantly.

MRS. BENNETT: I feel relatively sure that we don't want to try for Lead Agency, but we don't want the door shut on us when we're going to have to absorb the majority of traffic, the majority of children from these houses will be in our school district, and I think as far as our attitude might be considered, I don't even think that we'd like to have the boulevard be adjoined with this project. In other words, if this was 183 home project exiting on 94, it wouldn't be the big issue it will become if it's almost a 700 home exiting onto 94.

MR. PETRO: You're talking about going into the next one past this?

MRS. BENNETT: That's correct.

MR. PETRO: The boulevards connect to that?

MRS. BENNETT: I think when the traffic issue is studied, you'll see why we are concerned. Because it's

also an elevation problem with that old railbed that they're going to have to rectify in some way because that's below the present height of 94.

MR. WINGLOVITZ: Absolutely. And we would have to fill to get down to the road.

MRS. BENNETT: And we were, one of the emphasises that had the wetlands are first flagged because they were trying to spin from 94 on the west piece of property, and we concluded the only way to get over there was to build a bridge. So I'm not sure all the wetlands have been flagged, but I know part of them have.

MR. PETRO: What size are these lots?

MR. WINGLOVITZ: These are approximately 10- to 12,000 square feet along the reserve, we tried to mirror the size of the lots of the reserve. And as we got away from the reserve we've got lots 10 to 12, as you get up on the hill 15,000 square feet.

MRS. BENNETT: And in Cornwall the zoning is one acre.

MR. WINGLOVITZ: This would require a cluster in the Town of Cornwall. It's one acre zoning. We have to present a plan, and then ask for a cluster so that the plan would make sense.

MR. PETRO: Undersized lots in Cornwall too? What's shown here in Cornwall?

MR. WINGLOVITZ: In Cornwall these are about 15,000 square feet.

MR. PETRO: So to get away from the zoning you're going to go to a cluster there is what you're saying?

MR. WINGLOVITZ: We would have to present a plan to them that conformed to all their codes for the one acre lot size, and then we would ask for whatever number of lots we agreed upon to cluster them down so they were the same size as the lots or relatively the same as in New Windsor so that it was a consistent plan and consistent project across the town boundary line.

MR. PETRO: Mark, what's the required size of a lot in New Windsor?

MR. BABCOCK: With water and sewer it's 15,000 square

feet in an R-1.

MR. PETRO: 15. He just told me they were 12.

MR. EDSALL: They're looking to cluster in New Windsor as well.

MR. WINGLOVITZ: It's called a planned unit development which gives us flexibility in lot size to allow open space.

MR. PETRO: Let me ask a simple question.

MR. WINGLOVITZ: Separate ordinance in the code.

MR. PETRO: Mark, why would we want to do that?

MR. EDSALL: The manner in which they're submitting is under the PUD regulations, although I don't believe the town board has considered a PUD with sole residential.

MR. PETRO: We've had a mixed PUD.

MR. EDSALL: Right. And you've had cluster applications, as well, that the town board has processed. I think when they go to the town board, let the town board call it what they want. They'll deal with the zoning as to whether not they want to maintain the current zoning requirements and considered a PUD or a cluster or if they'll except it in one of those two forms. In answer to your question, the only reason you would consider having smaller lots is that effectively at that point you limit the amount of disturbance and put all the disturbance in a more condensed area and have more areas remain green.

MR. PETRO: No, there's another way to do it. You can have less lots.

MR. EDSALL: That sure as heck is another way.

MR. EDSALL: Many times people say the reason why people cluster is because they have land that's not developable, so they decide to make that part of the green areas.

MR. WOLINSKY: Mr. Chairman.

MR. PETRO: Yes.

MR. WOLINSKY: Larry Wolinsky here. You're premiss is

not correct, with all due respect. Because to have less lots, if to have less lots you'll have larger lot sizes, to have larger lot size does not necessarily equate to less disturbance. I mean, that's --

MR. PETRO: For the disturbance, yes.

MR. WOLINSKY: -- the ongoing sprawl debate that you see now in the paper.

MR. PETRO: How about more or less kids? How about more or less impact on sewer or water or traffic?

MR. WOLINSKY: Yeah, you'll have it.

MR. PETRO: Disturbance will be the only one.

MR. WOLINSKY: I'm not debating that fact. But I'm saying, you know, the purpose of clustering in the law is to preserve open space by allowing smaller lot sizes and open spaces held in unified ownership which is essentially the preserve. That's what we're trying to achieve.

MR. PETRO: A cluster is, in essence, going to be a variance, is that true, from the town board?

MR. WOLINSKY: No. The town board, we're making this application as we interpret your PUD regulations, which I got to tell you are not a model of clarity, but the way we're reading them at the moment it appears that it permits what we are proposing. So, you know, so that's what it goes. And it has a process which you ought to be aware of that the code lays out is we're really supposed to go to the town board first and obtain a concept approval. At which point in time, if we can get that from the town board, we're sent back here for a preliminary plan approval, which I presume to be on the overall development. And then if we get through that, we're sent back to the town board for a special permit approval. And then if we get that, we're sent back here for site plan approvals for sections or for the whole thing. So that's the way the code lays out the process. The way we read the code, and there may be disagreement on that, we don't know until we get to the town board and have that discussion.

MR. PETRO: It still sounds like to me, and I understand what you just said and you have a right to do everything you just said if that's the way the law

is written, but it sounds to me like you're still going for relief of the law as stated. The lot sizes here should be 15,000 feet in the zone. Is that correct, normal zoning 15,000?

MR. BABCOCK: Yes.

MR. PETRO: Cornwall is one acre. So, you're really looking for relief of the law or to work within the law to get more --

MR. WOLINSKY: It's just as simple as this, there's another section of your law that allows that density. If it applies here, then it allows it. If it doesn't apply here, then it doesn't allow it. So, we're not looking for relief.

MR. PETRO: So you're not looking for some form of variance?

MR. WOLINSKY: Absolutely not.

MR. WINGLOVITZ: The relief is actually built already into the zoning if you qualify for it.

MR. WOLINSKY: It's not relief. It's the town's current comprehensive plan that allows you to establish that kind of development in these zoning districts. So, they're just coming in --

MR. PETRO: So, what under the law would the town board have to say, no? Sounds like they couldn't say no if, in fact, that's the law.

MR. WOLINSKY: Well, the town board couldn't say no if the information presented as part of the application met the standards. It's a special permit. It's not a use as a right, so you have to meet the conditions that are set forth in the law. If you can meet those conditions, then you should be able to go forward.

MR. PETRO: I was trying to drive into the variance type of idea where you would have to prove hardship. You've shot me down telling me that you're not going to get that far because it really isn't a variance. But I was going to ask you what is your hardship that you need this many lots.

MR. WOLINSKY: No, I wouldn't advise my client in any way, shape, or manner to apply for a variance for this.

MR. PETRO: Why would the planning board, again, sounds like after you go through all this and you're successful, be gracious enough to issue a special use permit for these undersized lots?

MR. WOLINSKY: Why would the town board?

MR. PETRO: Planning board. You're going to come back here for a special use permit?

MR. WOLINSKY: No, the town board issues the special permit. You guys issue a preliminary plan approval and then a site plan approval at the end of the day.

MR. PETRO: The special use permit doesn't come from the planning board for the cluster?

MR. WOLINSKY: No.

MR. EDSALL: PUD.

MR. PETRO: With no office buildings or anything else, just houses in a PUD.

MR. WOLINSKY: That's one of the issues on Lead Agency as well. I don't know to what extent the town board would want to try to control this or be the Lead Agency or not. I certainly have no objection to any of the planning boards being Lead Agency here. Because the fact of the matter, to explain that fully to you, is that everyone else is an involved agency. And as an involved agency, you have an equal right to participate and you also have a obligation to issue your own set of findings at the end of the process.

MR. PETRO: We're going to look into that law too. If it is there for some reason, maybe it needs to be changed. I'll tell you the truth, the way I see it, this is nothing against this particular project, there's too many houses, there's too much all over the place. And I'm the first one to say permitted use in the zone, we go with it and that's the law.

MR. WOLINSKY: I understand that.

MR. PETRO: But 12,000 square foot lots, they're small. That's small lots and it's a high density on that property. I mean, why would we want that? This doesn't make any sense. I understand that you're

saying the law says you have every right to stand there telling us what you're telling us.

MR. WOLINSKY: You can have larger lots. I think the question is what's better planning? I mean, you can have larger lots and then they wind up fewer. It may at the end of the day not result in less disturbance to the landscape, and I think that's the point.

MR. PETRO: I don't think disturbance, to me, that doesn't mean -- you know, you're making a development and you're going to make some green areas any way. And if you're going to develop more land because you need more lots, well, then that's the way it is, but they're going to be 15,000 square foot lots. Which to me that's still a big... I'm not yelling at you because the law.

MR. WOLINSKY: I understand.

MR. WINGLOVITZ: You can talk about typical clusters. People talk about providing green areas that touch every lot so that people can walk out in they're back yard and have a common space. Even though they have a small lot, they don't have a neighbor with his kid's swing right behind him. They have an area that's a buffer between the lots.

MR. PETRO: I'm sure the layout is nice and it's going to be nice and pretty, but that's really almost beside the point. I'm thinking about the end product of having 183 houses instead of having 157 houses. It's more.

MR. WINGLOVITZ: I understand that there's an issue regarding environmental impacts and we understand.

MR. PETRO: Three people per house. I think it's 2 1/2 kids per house.

MR. KARNAVEZOS: 2.3

MR. WOLINSKY: It's a significant project. We understand all that.

MR. WINGLOVITZ: We expect that we're going to need to prepare an environmental impact statement for this, and all these issues you're discussing as far as kids and traffic and drainage and so forth would be addressed in the environmental impact statement for the project.



MR. WOLINSKY: Notwithstanding all that, we will obviously take your comments on square footage of lots and go back to the drawing board and see if we can meet that or, you know, try and work on that.

MR. PETRO: I would really like to see that. Of course, I'm one member here. I'm only the chairman on the planning board, I'm not the town supervisor. But I can call him up and talk to him. He usually takes my phone call.

MR. WOLINSKY: I've read many of his statements in the newspaper.

MR. PETRO: I really think you should look at this to meet standard sized lots and not try to get down to this 12,000 square foot. How wide are the roads here? I mean, I'm sure you're meeting code.

MR. WINGLOVITZ: Yeah, 30 feet wide. 15 foot wide lanes.

MR. PETRO: And try to bring this down a little bit. I really think you would have much smoother sailing through this board and through the town board. I know you're going to get a lot of resistance there. I'm speaking again for, he's not here, the town board is not here, but I do have a feeling where they're coming from. Obviously, Cornwall wants one acre lots or that wouldn't be in their zoning. What you do there is your business. I really suggest strongly that you look at this again and try to downsize it. Do you want to do that? I'm not making a threat. I'm asking you to look at it.

MR. WOLINSKY: Yeah. We understand and we appreciate that feedback and we'll see what we can do.

MR. PETRO: Do you want to continue and then you go to the town board? That's your option. But I think you're going to have a harder time.

MR. WOLINSKY: We came to you first because you're the planners.

MR. PETRO: I mean, you can look at the plan and it looks busy on that site. Take a look at your plan. I'm not knocking your work. You did a good job for what you had to do. It just looks... Normally, I

don't even look at the lot size because they just look like they fit and everything, but this looks like a very tight, tight fit. But again, it's not for the green areas and disturbance, I'm not talking about that, because I know that's going to work. I'm talking about the kids, traffic, sewer, water, impact, you know, the whole nine yards. If we can get 30 less houses out of the this, I don't know what the percentage is, I didn't figure it out, but it looks like probably 20 percent less probably.

MR. WOLINSKY: All right.

MR. EDSALL: Jim, not to confuse the minutes with the facts but just so that we're clear, the application calls it a subdivision. The EAF calls it a cluster. The descriptions all say subdivisions, and there's nothing in the application that says PUD. So, my only suggestion --

MR. PETRO: It would be easier for the applicant also if --

MR. EDSALL: If I could finish. -- if they want to continue with the subdivision, fine, the application makes sense staying here. But if, in fact, it's a PUD, and I checked with Mike to follow up on what Larry helped us out with, PUD is supposed to go to the town board first. So in all rights if, in fact, they are going to make a PUD application, this application should be withdrawn or clarified and it should go to the town board first.

MR. PETRO: I was going to suggest that. If your client decides not to make the lots the size it should be for the subdivision, don't even come back here. Just go and try to get your PUD, if you want to call it that, and then come back. There's no sense coming back here. You know how we feel and we already looked at it.

MR. EDSALL: I'm always concerned, maybe it's because Mr. Loeb always tends to beat submission for SEQRA into me, that we should take action upon receipt of an application. We really can't do anything yet because we don't know what we have. So until they clarify what they're going to submit...

MR. PETRO: I don't think they're 100 percent sure either; right?

MR. WOLINSKY: We're here tonight to get your initial feedback which we're getting, and we'll take that into consideration and take a path after that.

MR. PETRO: Any of the members disagree with me? Tom?

MR. KARNAVEZOS: No, not at this time.

MR. PETRO: Jerry?

MR. ARGENTIO: There wasn't much gray in what you said.

MR. PETRO: Anything else?

MR. WOLINSKY: No. Thank you very much.

MR. PETRO: No Lead Agency letter or anything, Mark?

MR. EDSALL: No. We're going to wait until we find out what we're dealing with.